

FILED

Kevin Pampena
c/o 4005 Clubhouse Road
Lompoc, CA 93436-1333
(805) 356-4771 430 5711

ORIGINAL

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

[Signature]

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Kevin Pampena,) Case No. CV11-7613-R (PJW/X)
Plaintiff,)
vs.)
CAL-WESTERN RECONVEYANCE CORP.;) EMERGENCY MOTION Ex Parte
AURORA LOAN SERVICES LLC;) For Temporary Restraining
UNKNOWN OWNER OF THE NOTE;) order
Defendants.)

**PLAINTIFF'S EMERGENCY EX PARTE APPLICATION
FOR TEMPORARY RESTRAINING ORDER**

1. Pursuant to Fed.R.Civ.P. 65, Plaintiff Kevin Pampena hereby moves for a Temporary Restraining Order, pending a hearing, to stop Defendant CAL-WESTERN RECONVEYANCE CORP. from sale, scheduled for Thursday, January 19, 2012, of Plaintiff's home, at 4005 Clubhouse Road, Lompoc, CA

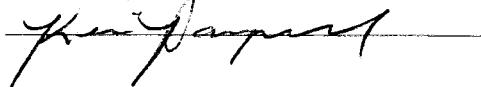
93436-1333, legally described as:

**LOT 84 OF TRACT NO. 10176, UNIT ONE, IN THE COUNTY OF
SANTA BARBARA, STATE OF CALIFORNIA, AS PER MAP
RECORDED IN BOOK 57 PAGES 67 TO 70, INCLUSIVE OF
MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY.**

**EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER
HYDROCARBON SUBSTANCES, LYIN BELOW A DEPTH OF 500
FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS
RESERVED IN THE DEED FROM UNION OIL COMPANY OF
CALIFORNIA RECORDED NOVEMBER 3, 1961 AS
INSTRUMENT NO. 39600 IN BOOK 1882, PAGE 560, OF
OFFICIAL RECORDS.**

This application is supported by Plaintiff's Memorandum in Support of Emergency Ex Parte Motion for Temporary Restraining Order, and the Declaration of Kevin Pampena in Support of Plaintiff's Emergency Ex Parte Motion for Temporary Restraining Order, filed contemporaneously herewith.

Executed on 1/18/2012



Kevin Pampena
c/o 4005 Clubhouse Road
Lompoc, CA 93436-1333
(805) 356-4771 430 5211

P.O. Box 23159
San Diego, CA 92193-3159



IMPORTANT INFORMATION
ENCLOSED

71 96900 2484 0072 9670 ?

Mailed On: April 27, 2011
Reference Number: 1320121-14
Mailing Number: 1767660-01

2

ClientID: CWR CE

KEVIN PAMPENA
4005 CLUBHOUSE RD
LOMPOC CA 93436-1333

Pursuant to the requirements contained in section 2924b of the Civil Code of the State of California, we enclose a copy of a Notice of Default and Election to Sell under Deed of Trust in an envelope and with postage prepaid.

You will please observe that said Notice of Default and Election to Sell under Deed of Trust was recorded on April 15, 2011 and that this notice was mailed within the required statutory time limit.

This letter is an attempt to collect a debt and any information obtained from you will be used for that purpose.

Unless you notify us at the address on the attached notice within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, we will assume this debt is valid. If you notice that you dispute this debt, we will obtain a verification of the debt from the lender and mail you a copy.

If you make a request to us in writing within 30 days after receiving this notice, we will provide you with the name and address of the original creditor.

If you are in any branch of the U.S. Reserve Armed Forces and have been called to active duty, please forward a copy of your orders to our office.

Thank you.

CAL-WESTERN RECONVEYANCE CORPORATION

Enclosure

nodmtca

Rev. 06/28/10

Cal-Western Reconveyance Corporation
525 East Main Street, El Cajon, California 92020 • P.O. Box 22004, El Cajon, California 92022-9804
TEL: (619) 590-9290 • FAX: (619) 590-9299 • Website: www.cwrc.com



Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure. Remember, **YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.**

NOTICE OF DEFAULT AND ELECTION TO SELL UNDER DEED OF TRUST

NOTICE IS HEREBY GIVEN:

CAL-WESTERN RECONVEYANCE CORPORATION is either the original trustee, the duly appointed substituted trustee, or acting as agent for the trustee or beneficiary under a deed of trust dated August 01, 2006 executed by

KEVIN PAMPENA, AN UNMARRIED MAN as trustor, to secure certain obligations in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR SIERRA PACIFIC MORTGAGE COMPANY, INC. IT'S SUCCESSORS AND ASSIGNS** as beneficiary, recorded as document 2006-0063188 on August 19, 2006 in book XX page XX official records in the office of County Recorder of SANTA BARBARA County, California, describing land therein as:

COMPLETELY DESCRIBED IN SAID DEED OF TRUST,

said obligations including a promissory note for the principal sum of \$492,000.00. That a breach of, and default in, the obligations for which such Deed of Trust is security has occurred in that payment has not been made of:

Failure to pay the monthly payment due June 1, 2010 of principal, interest and impounds and subsequent installments due thereafter; plus late charges; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust.

That by reason thereof the present beneficiary under such Deed of Trust has deposited with said trustee such Deed of Trust and all documents evidencing obligations secured thereby and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

The mortgagee, beneficiary or authorized agent for the mortgagee or beneficiary pursuant to California Civil Code § 2923.5(b) declares that the mortgagee, beneficiary or the mortgagee's or beneficiary's authorized agent has either contacted the borrower or tried with due diligence to contact the borrower as required by California Civil Code 2923.5.

T.S. 1320121-14

Dated: April 14, 2011

**CAL-WESTERN RECONVEYANCE CORPORATION.
BY FIRST AMERICAN, AS AGENT**

Signature By

NODCA